Rule 901. Authenticating and Identifying Evidence.

(a) **In General.** To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) **Examples.** The following are examples only—not a complete list—of evidence that satisfies the requirement:

(1) *Testimony of a Witness with Knowledge.* Testimony that an item is what it is claimed to be.

(2) *Nonexpert Opinion About Handwriting.* A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.

(3) *Comparison by an Expert Witness or the Trier of Fact.* A comparison with an authenticated specimen by an expert witness or the trier of fact.

(4) *Distinctive Characteristics and the Like.* The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

(5) *Opinion About a Voice.* An opinion identifying a person's voice—whether heard firsthand or through mechanical or electronic transmission or recording—based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

(6) *Evidence About a Telephone Conversation.* For a telephone conversation, evidence that a call was made to the number assigned at the time to:

(A) a particular person, if circumstances, including self-identification, show that the person answering was the one called; or

(B) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.

(7) *Evidence About Public Records.* Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or

(B) a purported public record or statement is from the office where items of this kind are kept.

(8) *Evidence About Ancient Documents or Data Compilations.* For a document or data compilation, evidence that it:

(A) is in a condition that creates no suspicion about its authenticity;

(B) was in a place where, if authentic, it would likely be; and

(C) is at least 20 years old when offered.

(9) *Evidence About a Process or System.* Evidence describing a process or system and showing that it produces an accurate result.

(10) *Methods Provided by a Statute or Rule.* Any method of authentication or identification allowed by a statute or a rule prescribed by the Supreme Court.

Comment to 2012 Amendment

The language of Rule 901 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Comment to Original 1977 Rule

This rule is declaratory of general evidence law and deals only with identification or authentication and not with grounds for admissibility.

Cases

Paragraph (a) — General provision.

901.a.010 For the matter in question to be admissible in evidence, the proponent need only present sufficient evidence from which the trier-of-fact could conclude that the matter in question is what the proponent claims it to be; whether the matter in question is in fact what the proponent claims and whether it is connected to the litigation is a question of weight and not admissibility, and is for the trier-of-fact.

State v. Jones, 197 Ariz. 290, 4 P.3d 345, ¶¶ 47–48 (2000) (because witness was one who gave description to sketch artist and identified sketch as the one drawn from his description, state provided sufficient authentication for admission of sketch, and thus there was no need to have sketch artist testify and identify sketch).

State v. Doerr, 193 Ariz. 56, 969 P.2d 1168, ¶¶ 46–48 (1998) (because diagram helped jurors understand where various blood groups were found in apartment, it was admissible).

State v. Miller (Estrella), 226 Ariz. 202, 245 P.3d 887, ¶¶ 7–11 (Ct. App. 2010) (state's witness had monitored and transcribed numerous wiretap recordings of conversations between defendant and persons connected with defendant, many of which were in Spanish; court held witness could authenticate law enforcement interview tapes and tapes of jailhouse telephone calls by identifying voices on tapes based on her experience with the monitoring and transcribing).

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 8, 17 & n.6 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; court held following evidence was sufficient to authenticate videotape: store's loss prevention officer testified about his job responsibilities in installing and maintaining store's surveillance system, how cameras were placed, and how he could match time stamps and dollar amounts to certain transactions; how he had used procedure to identify videotape in question; and how he had made copy of videotape to give to detective; and he testified about specific items purchased with stolen credit card; photograph in evidence of defendant at time of arrest showed him wearing shirt similar to shirt in videotape; and items recovered from defendant's home matched those being purchased in videotape; court held this was sufficient for jurors to conclude videotape accurately depicted transaction in which stolen credit card was used).

Ogden v. J.M. Steel Erecting, Inc., 201 Ariz. 32, 31 P.3d 806, ¶¶ 34–35, 40 (Ct. App. 2001) (in order to prove driving record of truck driver who caused accident, plaintiffs presented truck driver's MVD record (listing three prior offenses) and police report of investigating officer, which contained supplement by another officer purporting to show truck driver's alleged driving record (listing 10 additional prior offenses); court concluded there was not sufficient evidence for jurors to conclude (1) document was report of the other officer or (2) it was accurate account of truck driver's driving record, thus trial court should not have admitted it).

State v. Wooten, 193 Ariz. 357, 972 P.2d 993, ¶¶ 56–58 (Ct. App. 1998) (evidence presented was that all jail telephone conversations were recorded on master microcomputer tape, and then must be transferred to cassette tape; although officer did not listen to master tape, he did listen to cassette tapes, and was able to identify most of the parties to calls; court held this was sufficient for jurors to find that these were conversations made by defendant).

901.a.020 The trial court does not determine whether the matter in question is what the proponent claims it to be; the extent of the trial court's duty is to determine whether the proponent has presented sufficient evidence from which the trier-of-fact could find that the matter in question is what the proponent claims it to be; whether the matter in question is in fact what the proponent claims and whether it is connected to the litigation are questions of weight and not admissibility, and are for the trier-of-fact.

State v. King, 226 Ariz. 253, 245 P.3d 938, ¶¶ 8–9 (Ct. App. 2011) (during videotaped police interview and during trial testimony, witness was asked how hard defendant had kicked victim and then was asked to use chair to demonstrate how hard kick was; court held kicking of chairs was not purported replication and was instead more in nature of demonstration, thus conditions did not have to be similar and instead only had to illustrate fairly disputed trait or characteristic; trial court properly concluded it was question for jurors whether demonstrations accurately showed force defendant used).

State v. Damper, 223 Ariz. 572, 225 P.3d 1148, ¶¶ 18–19 (Ct. App. 2010) (defendant was charged with killing girlfriend (C); defendant claimed shooting was accidental; shortly before shooting, C's friend B received text message from C's cell phone that said, "Can you come over; me and Marcus [defendant] are fighting and I have no gas"; defendant contended text message could not be authenticated because state did not prove C sent message; court held following was sufficient for jurors to determine C. sent message: At trial, B testified she and C often communicated with text messages, that she had C's cell-phone number on her cell-phone with nickname for C, and when message arrived, it displayed that nickname as sender of message; C's cell-phone was found on bed next to C's body, and there was no evidence anyone other than C used that cell-phone that morning).

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 8, 17 & n.6 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; court stated that relative quality of videotape does not necessarily make it inaccurate, and that it is ultimately for jurors to decide whether they can identify objects and persons depicted in videotape).

State v. King, 213 Ariz. 632, 146 P.3d 1274, ¶¶ 9–11 & n.4 (Ct. App. 2006) (municipal court clerk included with records letter stating she had searched court's records under name provided to her, and records were court's records for that individual; records consisted of copy of traffic ticket and complaint, plea agreement, signed waiver of jury trial form, and minute entries from change-of-plea proceedings and sentencing; court held this was sufficient for jurors to find records were defendant's records; court noted defendant did not challenge admissibility of records on hearsay grounds).

State v. Wooten, 193 Ariz. 357, 972 P.2d 993, ¶ 57 (Ct. App. 1998) (evidence presented was that all jail telephone conversations were recorded on master microcomputer tape, and then must be transferred to cassette tape; although officer did not listen to master tape, he did listen to cassette tapes, and was able to identify most of the parties to calls; court held this was sufficient for jurors to find that these were conversations made by defendant).

901.a.030 Objection of "no foundation" is insufficient to preserve the issue; the objecting party must indicate how the foundation is lacking so the party offering the evidence can overcome the shortcoming, if possible.

State v. Rodriguez, 186 Ariz. 240, 250, 921 P.2d 643, 653 (1996) (defendant objected to improper foundation for admission of earring; because defendant did not identify what foundation was lacking, trial court did not abuse discretion in admitting exhibit).

State v. Guerrero, 173 Ariz. 169, 171, 840 P.2d 1034, 1036 (Ct. App. 1992) (defendant contended on appeal state failed to provide specifics about times, dates, places, or quantities of prior acts; court held that claim of insufficient foundation may not be raised on appeal unless appellant specifically points out to trial court alleged defects in foundation so that opponent may cure any defects).

Packard v. Reidhead, 22 Ariz. App. 420, 423, 528 P.2d 171, 174 (1974) (court noted that appellee laid tenuous foundation for admission of traffic signal installation report, but held appellant's "no foundation" objection was inadequate to preserve issue for review on appeal; purpose of rule is to enable adversary to obviate objection if possible and to permit trial court to make intelligent ruling).

901.a.035 Circumstantial evidence may be used to prove authenticity of audio or video recording.

State v. Rienhardt, 190 Ariz. 579, 951 P.2d 454 (1997) (although recipient had never heard defendant's voice, person talking on telephone said various things from which jurors could conclude person was defendant).

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 7–19 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; because state had no witness who had viewed transaction as it happened, state was not able to present testimony that videotape accurately reflected what had happened; court held, however, that testimony about workings of surveillance system, matching of transactions with video recording, matching of items shown on videotape with items on transaction records, preparation of copy of videotape, comparison of clothing worn by person in videotape with clothing defendant wore when arrested, and comparison of items being purchased in videotape with items found on defendant's property provided sufficient information for jurors to use in determining authenticity of videotape.).

901.a.040 A proponent of physical evidence need not disprove the possibility of tampering or contamination if the party makes a reasonable showing that the item is intact and unaltered.

State v. McCray, 218 Ariz. 252, 183 P.3d 503, ¶¶ 8–15 (2008) (defendant contended state failed to establish sufficient chain of custody from time fluid samples were taken from victim's body at time of autopsy until they were delivered later that day to DPS for DNA testing; court noted that, even though neither medical examiner nor assistant testified about taking of samples, detective who attended autopsy testified he was present when swabs were taken, that swabs were then each wiped on filter paper, and that medical examiner then gave him samples in separate envelopes, and that he later delivered samples to DPS; court held trial court did abuse discretion in admitting DNA evidence).

901.a.070 In order to enhance the punishment with a prior conviction, the state must present sufficient evidence for the trial court to conclude that a prior conviction actually occurred and that the defendant was the person who was convicted of that offense; this may be done through the use of extrinsic evidence, and a photograph and fingerprints are not required.

State v. Adams, 194 Ariz. 408, 984 P.2d 16, ¶¶ 35–37 (1999) (state presented certified copy of California Disposition of Arrest and Court Action that showed that "Adams, James Van" "dob 1/30/64" had been convicted of assault with intent to commit rape; even though California material did not include photograph and fingerprints, because name, date of birth, physical description, and social security number in California material matched those items for defendant, state presented sufficient evidence for trial court to conclude that defendant had prior conviction).to have right to tell jurors what sentence victims thought should be imposed).

State v. Robles, 213 Ariz. 268, 141 P.3d 748, ¶¶ 3, 11–17 (Ct. App. 2006) (state relied upon certified copy of record abstract ("pen pack") from Arizona Department of Corrections to prove defendant's prior convictions).

Paragraph (b)(1) — Testimony of witness with knowledge.

901.b.1.010 This section permits authentication or identification by a person with knowledge that the matter is what it is claimed to be.

State v. Boggs, 218 Ariz. 325, 185 P.3d 111, ¶¶ 68–70 (2008) (defendant objected to admission of threatening letters because he contended state presented insufficient proof he wrote them; among factors court considered was jail staff intercepted letter inmate stated defendant asked him to mail).

* *Cal X-tra v. W.V.S.V. Holdings,* 229 Ariz. 377, 276 P.3d 11, ¶ 58 (Ct. App. 2012) (plaintiffs included statements from two plaintiffs stating from where documents were obtained).

State v. King, 226 Ariz. 253, 245 P.3d 938, ¶¶ 8–9 (Ct. App. 2011) (during videotaped police interview and during trial testimony, witness was asked how hard defendant had kicked victim and then was asked to use chair to demonstrate how hard kick was; trial court properly concluded it was question for jurors whether demonstrations accurately showed force defendant used; court held witness was person with knowledge that demonstrations were what they were claimed to be).

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 7, 15–16 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; store's loss prevention officer testified about his job responsibilities in installing and maintaining store's surveillance system, how cameras were placed, and how he could match time stamps and dollar amounts to certain transactions; how he had used that procedure to identify videotape in question; and how he had made copy of videotape to give to detective; and he testified about specific items purchased with stolen credit card; court held this was sufficient for jurors to conclude videotape accurately depicted transaction in which stolen credit card was used).

901.b.1.020 The person must have personal knowledge that the matter is what it is claimed to be, and may not rely on hearsay statements of others.

Fuentes v. Fuentes, 209 Ariz. 51, 97 P.3d 876, ¶¶ 24–25 (Ct. App. 2004) (because wife testified that exhibit was copy of budget she personally prepared for trial, she properly identified exhibit).

State v. Curry, 187 Ariz. 623, 931 P.2d 1133 (Ct. App. 1996) (because witness neither impounded exhibits nor filled out reports, and was not custodian of records, his testimony based on police reports was hearsay, thus trial court erred in admitting exhibits).

901.b.1.030 A party may establish the condition precedent for the admission of evidence either by chain of custody or identification testimony.

State v. Secord, 207 Ariz. 517, 88 P.3d 587, ¶¶ 17–18 (Ct. App. 2004) (testimony that each person who handled samples had signed for them and that samples were always in police possession was sufficient to show chain of custody).

State v. Portis, 187 Ariz. 336, 929 P.2d 687 (Ct. App. 1996) (because state failed to present evidence showing urine sample in question came from defendant, state failed to establish chain of custody).

901.b.1.033 A party seeking to authenticate evidence based on a chain of custody must show continuity of possession, but it need not disprove every remote possibility of tampering.

State v. McCray, 218 Ariz. 252, 183 P.3d 503, ¶¶ 8–15 (2008) (defendant contended state failed to establish sufficient chain of custody from time fluid samples were taken from victim's body at time of autopsy until they were delivered later that day to DPS for DNA testing; court noted that, even though neither medical examiner nor assistant testified about taking of samples, detective who attended autopsy testified he was present when swabs were taken, that swabs were then each wiped on filter paper, and that medical examiner then gave him samples in separate envelopes, and that he later delivered samples to DPS; court held trial court did abuse discretion in admitting DNA evidence).

901.b.1.035 Any flaws in the chain of custody go to the weight and not the admissibility of the evidence.

State v. McCray, 218 Ariz. 252, 183 P.3d 503, ¶¶ 8–15 (2008) (defendant contended state failed to establish sufficient chain of custody from time fluid samples were taken from victim's body at time of autopsy until they were delivered later that day to DPS for DNA testing; detective who attended autopsy testified he was present when swabs were taken, that swabs were then each wiped on filter paper, and that medical examiner then gave him samples in separate envelopes, and that he later delivered samples to DPS, while DPS criminalist testified samples were in one envelope; court held that, to extent testimony was incomplete or conflicted with testimony of other witnesses, that went to weight and not admissibility).

State v. Secord, 207 Ariz. 517, 88 P.3d 587, ¶ 18 (Ct. App. 2004) (evidence that identifying labels on vials had been removed went to weight and not admissibility).

901.b.1.060 For admission of a photograph, video recording, or audio recording in evidence, the party must present sufficient evidence from which the jurors could determine the photograph or video recording accurately depicts the object in the photograph or video recording, or the audio recording accurately reproduces the thing recorded.

Lohmeier v. Hammer, 214 Ariz. 57, 148 P.3d 101, ¶¶ 7–9 (Ct. App. 2006) (defendant offered photographs of plaintiff's vehicle and testified that photographs showed condition of vehicle after accident; court held this testimony was sufficient to support admission of photographs).

State v. Paul, 146 Ariz. 86, 87–88, 703 P.2d 1235, 1236–37 (Ct. App. 1985) (although videotape was not of finest quality, persons depicted could be readily identified by someone who knew them, and although background noise made it difficult to understand some parts of conversation, listener could follow most of it, thus trial court did not abuse its discretion in admitting videotape for jurors' consideration).

State v. Pereida, 170 Ariz. 450, 454–55, 825 P.2d 975, 979–80 (Ct. App. 1992) (because state presented testimony that photographs reflected condition of defendant's van at time photographs were taken, trial court properly admitted photographs).

901.b.1.070 The person who took the photograph or made the video recording need not be the one to provide the authentication testimony and the person providing the authentication testimony need not have been present when the photograph or video recording was made; all that is necessary is for the person providing the authentication testimony to be able to attest that the photograph or video recording accurately portrays the scene or object depicted.

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 7, 15–17 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; store's loss prevention officer testified about his job responsibilities in installing and maintaining store's surveillance system, how cameras were placed, and how he could match time stamps and dollar amounts to certain transactions; how he had used that procedure to identify videotape in question; and how he had made copy of videotape to give to detective; and he testified about specific items purchased with stolen credit card; court held this was sufficient for jurors to conclude videotape accurately depicted transaction in which stolen credit card was used).

Lohmeier v. Hammer, 214 Ariz. 57, 148 P.3d 101, ¶¶ 7–9 (Ct. App. 2006) (defendant offered photographs of plaintiff's vehicle purportedly taken by auto body shop, and testified that photographs showed condition of vehicle after accident; court held this testimony was sufficient to support admission of photographs).

901.b.1.080 Any testimony that the photograph or video recording does not accurately depict the object in the photograph or video recording goes to the weight and not the admissibility.

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶ 17 (Ct. App. 2008) (court stated photograph will be admissible so long as discrepancies between it and its subject are not materially misleading either because they are minor of because witness explains then in such manner that jurors would not be misled).

Lohmeier v. Hammer, 214 Ariz. 57, 148 P.3d 101, ¶¶ 9–11 (Ct. App. 2006) (defendant offered two photographs of plaintiff's vehicle and testified that photographs showed condition of vehicle after accident; plaintiff testified that photograph appeared to be of vehicle after it had been repaired; court held trial court did not abuse discretion in admitting photographs).

Paragraph (b)(3) —Comparison by trier or expert.

901.b.3.010 Authentication or identification may be established by comparison by the trier-of-fact.

State v. Boggs, 218 Ariz. 325, 185 P.3d 111, ¶¶ 68–70 (2008) (defendant objected to admission of threatening letters because he contended state presented insufficient proof that he wrote them; among factors court considered was that nearly identical letters were sent to lead detective and to prosecutor).

State v. Cons, 208 Ariz. 409, 94 P.3d 609, ¶¶ 17–18 (Ct. App. 2004) (state submitted certified copy of defendant's prior conviction containing defendant's name, date of birth, and fingerprint; trial judge stated she recognized defendant as person she had sentenced in that case).

State v. Cons, 208 Ariz. 409, 94 P.3d 609, ¶¶ 17–18 (Ct. App. 2004) (state submitted certified copy of defendant's prior Pinal County conviction that contained defendant's name, date of birth, and fingerprint, and submitted certified copy of defendant's prior Maricopa County conviction that tied that conviction to Pinal county conviction).

901.b.3.020 Authentication or identification may be made by comparison by expert witness.

* *Cal X-tra v. W.V.S.V. Holdings*, 229 Ariz. 377, 276 P.3d 11, ¶ 58 (Ct. App. 2012) (forensic document examiner testified handwriting on disk and documents matched that of defendant).

State v. Cons, 208 Ariz. 409, 94 P.3d 609, ¶¶ 17–18 (Ct. App. 2004) (state submitted certified copy of defendant's prior Pinal County conviction that contained defendant's name, date of birth, and fingerprint; state's expert identified fingerprint as belonging to defendant).

Paragraph (b)(4) — Distinctive characteristics and the like.

901.b.4.010 Distinctive characteristics, taken in conjunction with other circumstances, may provide authentication or identification.

State v. Boggs, 218 Ariz. 325, 185 P.3d 111, ¶¶ 68–70 (2008) (defendant objected to admission of threatening letters because he contended state presented insufficient proof that he wrote them; among factors court considered was that defendant's militia title was "Chief of Staff" and letters specifically referred to "Chief").

State v. Boggs, 218 Ariz. 325, 185 P.3d 111, ¶¶ 68–70 (2008) (defendant objected to admission of threatening letters because he contended state presented insufficient proof that he wrote them; among factors court considered was that letters stated "we know where you live," and defendant knew address of lead detective).

* *Cal X-tra v. W.V.S.V. Holdings*, 229 Ariz. 377, 276 P.3d 11, ¶ 58 (Ct. App. 2012) (some documents contained personal information from one defendant, and other documents referred to real estate deals for other defendants).

State v. Trujillo, 227 Ariz. 314, 257 P.3d 1194, ¶ 28 (Ct. App. 2011) (in defendant's "pen pack," name at top of fingerprint page could not be read because of way pages were stapled together, and as result, on copy disclosed to defendant's attorney, defendant's name did not appear at top of fingerprint page; court noted defendant's social security number was visible on fingerprint page, and held this connected document to defendant).

State v. George, 206 Ariz. 436, 79 P.3d 1050, ¶¶ 28–31 (Ct. App. 2003) (correction officer testified he found letter in defendant's cell beside her bed between pages in book defendant had checked out of library; letter contained angry, inculpatory statements about victim, as well as personal knowledge about attacks on victim; court held this was sufficient for jurors to conclude defendant wrote letter).

901.b.4.020 Authentication may be accomplished by circumstantial evidence.

State v. George, 206 Ariz. 436, 79 P.3d 1050, ¶¶ 28–31 (Ct. App. 2003) (correction officer testified he found letter in defendant's cell beside her bed between pages in book defendant had checked out of library; letter contained angry, inculpatory statements about victim, as well as personal knowledge about attacks on victim; court held this was sufficient for jurors to conclude defendant wrote letter).

Paragraph (b)(5) — Voice identification.

901.b.5.010 A witness may identify a voice from a tape recording.

State v. Miller (Estrella), 226 Ariz. 202, 245 P.3d 887, ¶¶ 7–11 (Ct. App. 2010) (state's witness had monitored and transcribed numerous wiretap recordings of conversations between defendant and persons connected with defendant, many of which were in Spanish; court held that witness could authenticate law enforcement interview tapes and tapes of jailhouse telephone calls by identifying voices on tapes based on her experience with the monitoring and transcribing).

Paragraph (b)(7) — Public records or reports.

901.b.7.010 This section requires the testimony of a witness that the document is a public record or report, that it is authorized by law, and was kept according to the law.

State v. King, 213 Ariz. 632, 146 P.3d 1274, ¶¶ 9–11 & n.4 (Ct. App. 2006) (municipal court clerk included with records letter stating she had searched court's records under name provided to her, and records were court's records for that individual; records consisted of copy of traffic ticket and complaint, plea agreement, signed waiver of jury trial form, and minute entries from change-of-plea proceedings and sentencing; court held this was sufficient for jurors to find records were defendant's records; court noted defendant did not challenge admissibility of records on hearsay grounds).

Paragraph (b)(9) — Process or system.

901.b.9.010 To admit evidence of a process or system, the party may present evidence describing how the process or system is used to produce a result and showing that the process or system produces an accurate result.

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 15–17 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; state presented store's loss prevention officer, who testified about his job responsibilities in installing and maintaining store's surveillance system, how cameras were placed, and how he could match time stamps and dollar amounts to certain transactions; how he had used that procedure to identify videotape in question; court held this was sufficient for jurors to conclude videotape accurately depicted transaction in which stolen credit card was used).

901.b.9.020 To admit evidence of electronic equipment, all that is necessary is evidence from which the jurors could conclude the equipment was functioning properly; expert testimony is not necessary.

State v. Rivers, 190 Ariz. 56, 945 P.2d 367 (Ct. App. 1997) (state presented testimony of parole officer who installed electronic monitoring ankle device, and defendant's parole officer; these officers acknowledged they were not experts, but testified about their experience with such devices; court held this was sufficient foundation to allow admission of the evidence).

901.b.9.030 Circumstantial evidence may be used to prove authenticity of sound or video recording.

State v. Rienhardt, 190 Ariz. 579, 951 P.2d 454 (1997) (although recipient had never heard defendant's voice, person talking on telephone said various things from which jurors could conclude person was defendant).

State v. Haight-Gyuro, 218 Ariz. 356, 186 P.3d 33, ¶¶ 7–19 (Ct. App. 2008) (state offered in evidence videotape of defendant using stolen credit card to purchase various items at retail store; because state had no witness who had viewed transaction as it happened, state was not able to present testimony that videotape accurately reflected what had happened; court held, however, that testimony about workings of surveillance system, matching of transactions with video recording, matching of items shown on videotape with items on transaction records, preparation of copy of videotape, comparison of clothing worn by person in videotape with clothing defendant wore when arrested, and comparison of items being purchased in videotape with items found on defendant's property provided sufficient information for jurors to use in determining authenticity of videotape.).

Paragraph (b)(10) —Methods provided by statute or rule.

901.b.10.010 A.R.S. § 13–3989.01(A) provides the records and recordings of 911 emergency telephone calls are admissible in any action without testimony from a custodian of records if they are accompanied by the form prescribed in subsection (A), and A.R.S. § 13–3989.01(B) provides 911 emergency records and recordings and any copies of them that comply with subsection (A) are deemed to be authenticated pursuant to Rule 901(b)(10).

No Arizona cases.

901.b.10.020 A.R.S. § 13–3989.02(A) provides the records and recordings of public safety radio traffic calls are admissible in any action without testimony from a custodian of records if the records and recordings are accompanied by the form prescribed in subsection (A), and A.R.S. § 13–3989.02(B) provides that radio records and recordings and any copies of them that comply with subsection (A) are deemed to be authenticated pursuant to Rule 901(b)(10).

No Arizona cases.